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Report of the Security Council

Question of equitable representation on and increase in the membership of the Security Council and related matters

Identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the pleasure to write to you today, in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement concerning the open debate of the Security Council, to be held on 22 April 2010, on the implementation of the note by the President of the Security Council (S/2006/507) dated 19 July 2006.

In order to have a rich debate on the subject matter on 22 April, that could lead to achieving our mutual goal of improving the working methods of the Security Council, I am attaching herewith, for your consideration and the consideration of the members of the General Assembly, the Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009, with a view to assisting the Security Council in its efforts to achieve the desired progress in reforming the working methods of the Council (see annex).

It is further essential to reiterate that the Non-Aligned Movement attaches great importance to the issue of improving the working methods of the Security Council to increase the transparency, efficiency and legitimacy of the Council. Accordingly, the Non-Aligned Movement presented in this regard several initiatives, since the launch of the Security Council reform process, including, but not limited to, the comprehensive negotiating paper submitted by the Movement to the Security Council and the General Assembly in 1996, as contained in the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase

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in the Membership of the Security Council and Other Matters Related to the Security Council (A/51/47).

In this regard, I stress the importance that the Non-Aligned Movement attaches to having its positions taken into consideration in any possible outcome of the open debate of the Security Council.

I should highly appreciate if the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

Annex to the identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009

Call on the Council to avoid resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilise the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary. (para. 67.7)

Call upon the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers and stresses once again that the decision by the Security Council to initiate formal or informal discussions on the situation in any Member State of the United Nations or any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter. (para. 67.4)

They stressed that the Security Council must fully observe all Charter provisions as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. In this context, they affirmed that Article 24 of the Charter does not necessarily provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions, bearing in mind that the Assembly is primarily tasked with the progressive development of international law and its codification.[1] The Heads of State and Government expressed their grave concern over the increasing and continuing encroachment by the Council on issues which clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies. They further stressed that close cooperation and coordination among all principal organs is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges. (para. 57)

The Heads of State and Government reiterated its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of the latter organs, and the attempts to enter areas of norm-setting, administrative and budgetary matters and establishing definitions which fall within the purview of the Assembly. (para. 59)

[1] In accordance with Article 13 (1) of the United Nations Charter.

Oppose and stop attempts to shift issues under the agenda of the General Assembly or the ECOSOC to the Security Council, and the encroachment by the latter on the functions and powers of the Assembly. (para. 60.7)

Call for more regular interactions between future July's Presidency of the Security Council and the wider membership of the United Nations, which can help enhance the quality of such reports. (para. 60.2)

Call on the Security Council, pursuant to Articles 15 (1) and 24 (3) of the United Nations Charter, to submit special reports for the consideration of the General Assembly. (para. 60.4)

Call on the Security Council to ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion. The General Assembly may consider proposing parameters for the elaboration of such assessments. (para. 60.5)

Call on the Security Council to fully take into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11 (2) of the Charter. (para. 60.6)

Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures. Regrettably, the Council has neglected these important factors on numerous occasions. Such instances include unscheduled open debates with selective notification, reluctance in convening open debates on some issues of high significance, repeatedly restricting participation in some of the open debates and discriminating between members and non-members of the Council particularly with regard to sequencing and time limits of statements during the open debates, failure to submit special reports to the General Assembly as required under Article 24 of the Charter, submission of annual reports still lacking sufficient information and analytical content, and lack of minimal parameters for the elaboration of the monthly assessment by the Security Council Presidencies. (para. 66.6)

The reform of the Security Council should be addressed in a comprehensive, transparent and balanced manner. It should ensure that the agenda of the Council reflects the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner. (para. 66.7)

Call on the Council to increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the United Nations particularly non-Council members whose affairs are under the discussion of the Council. (para. 67.1)

Call on the Security Council to allow briefings by the Special Envoys or Representatives of the Secretary-General and the United Nations Secretariat to take place in public meetings, unless in exceptional circumstances. (para. 67.2)